

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA	)	CRIMINAL NO. 2:01 CR ____
	)	
v.	)	21 U.S.C. § 846
	)	Drug Conspiracy - 50 g.
FREDERICK ASHVILLE HOLLOWAY, III,	)	Or More of Crack
	)	(Count One)
also known as "Black",	)	
	)	21 U.S.C. § 841(a)(1)
Defendant.	)	Possession of 5 g. or
	)	More of Crack Cocaine
	)	With Intent to Distribute
	)	(Counts 4)
	)	
	)	18 U.S.C. § 924(c)(1)
	)	Possess Firearm in
	)	Furtherance of Drug
	)	Trafficking Crime
	)	(Counts 2 & 5)
	)	
	)	26 U.S.C. § 5861(d)
	)	Possession of
	)	Unregistered Sawed-off
	)	Shotgun
	)	(Count 3)
	)	
	)	18 U.S.C. § 922(g)(1)
	)	Felon in Possession of
	)	Firearm & Ammunition
	)	(Count 6)
	)	
	)	21 U.S.C. § 844(a)
	)	Possession of marihuana
	)	(Count 7)

INDICTMENT

December, 2001, Term - At Norfolk, Virginia.

COUNT ONE

THE GRAND JURY CHARGES THAT:

From in or about January 1999, until on or about May 23, 2001, in Norfolk and elsewhere, in the Eastern District of Virginia, defendant, FREDERICK ASHVILLE HOLLOWAY, III, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree with other persons both known and unknown to the grand jury to commit the following offense against the United States: To knowingly, intentionally and unlawfully distribute and possess with the intent to distribute 50 grams or more of a mixture and substance containing a detectible amount of cocaine base, commonly known as "crack" cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(iii).

WAYS, MANNER AND MEANS TO ACCOMPLISH THE CONSPIRACY

The ways, manner and means by which this conspiracy was carried out included but were not limited to the following:

1. It was a part of the conspiracy that the defendant and co-conspirators would and did at various times throughout the conspiracy transport, facilitate the transportation of, and deliver controlled substances, for the purpose of distribution to the ultimate users.

2. It was further a part of the conspiracy that the

defendant and co-conspirators would use apartments, family residences, motel rooms and open air locations adjacent to the apartments, family residences and motel rooms to store, possess with intent to distribute and distribute controlled substances and to store money and other proceeds derived from the distribution of controlled substances.

3. It was further a part of the conspiracy that the defendant and co-conspirators would and did meet at various times and places to "cook" or convert powder cocaine into "crack" cocaine, to package controlled substances, using paraphernalia, to deliver packages of controlled substances, and to receive the proceeds from the sales of the controlled substances.

4. It was further a part of the conspiracy that the defendant and co-conspirators would and did perform certain duties and have certain responsibilities and roles in the conspiracy, some of which were interchangeable at various times throughout the conspiracy.

5. It was further a part of the conspiracy that the defendant and co-conspirators would and did derive income from the distribution of controlled substances, and would and did spend the money earned from the sale of controlled substances in various ways which furthered and promoted the conspiracy.

6. It was further a part of the conspiracy that the defendant and co-conspirators would and did, purchase and possess

quantities of "powder" and "crack" cocaine, Schedule II narcotic controlled substances.

7. It was further a part of the conspiracy that the defendant and co-conspirators would use apartments, family residences, motel rooms and open air locations adjacent to apartments, family residences and motel rooms to use, store, possess and have firearms available for their use, to protect, to further, to sell in exchange for cash or drugs, and to promote the conspiracy.

8. It was further a part of the conspiracy that the defendant and co-conspirators carried firearms on their persons, in their vehicles, and possessed them in their homes and other places, to engage in or to be ready to engage in acts of violence, in order to protect members of the conspiracy and others, which served to protect the activities of the defendants and co-conspirators and to promote the continued success of the conspiracy.

9. It was further a part of the conspiracy that the defendant and co-conspirators would and did use various methods, which included, but were not limited to, using telephones, cellular telephones and electronic pagers, in an effort to promote the conspiracy.

#### OVERT ACTS

The following overt acts, among others, were committed in

the Eastern District of Virginia and elsewhere, as part of and to further the conspiracy:

1. In about January, 1999, defendant occupied a room in the Town Point Hotel in Norfolk for the purpose of possessing and distributing crack cocaine;

2. In or about July, 1999, defendant occupied a room in the Economy Lodge in Norfolk for the purpose of possessing and distributing crack cocaine;

3. In or about August, 1999, in a Denny's restaurant on Virginia Beach Boulevard in Norfolk, defendant approached a drug dealer and asked if he would supply him crack cocaine;

4. In or about August, 1999, defendant occupied an apartment in the Lindenwood section of Norfolk near the corner of Lindenwood and Hale Street for the purpose of possessing and distributing crack cocaine;

5. On or about June 9, 2000, at 2511 Hale Street in Norfolk, defendant possessed with intent to distribute about 12 grams of crack cocaine, plus a Mossberg 12 gauge shotgun, a sawed-off 12 gauge Savage Arms shotgun, and a Davis Industries 32 caliber derringer;

6. On or about May 23, 2001, at 2420 West Avenue, Apartment "B", in Norfolk, there were three grams of crack cocaine concealed in a vent in the stove in the kitchen;

7. On or about May 23, 2001, at 2420 West Avenue, Apartment

"B", in Norfolk, defendant was carrying on his person the keys to a Buick Regal;

7. On or about May 23, 2001, on West Avenue in Norfolk, a Buick Regal was parked with 9 grams of crack cocaine concealed in the dash behind the steering wheel and a loaded .380 caliber Walther PPK/S was in the front seat.

(All in violation of Title 21, United States Code, Sections 846 & 841(a)(1) & (b)(1)(A)(iii).

#### COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 9, 2000, in Norfolk, in the Eastern District of Virginia, FREDERICK ASHVILLE HOLLOWAY, III, did unlawfully and knowingly possess a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute and to possess with intent to distribute a substance and mixture containing cocaine base, commonly known as "crack" cocaine, a Schedule II narcotic controlled substance.

(In violation of Title 18, United States Code, Section 924(c)(1)).

#### COUNT THREE

THE GRAND JURY further CHARGES THAT:

On or about June 9, 2000, in Norfolk, in the Eastern

District of Virginia, FREDERICK ASHVILLE HOLLOWAY, III, did unlawfully and knowingly possess one 12 gauge Stevens Savage Arms Model 77A shotgun, which had a barrel of less than 18 inches, commonly called a "sawed off shotgun", and which had not been registered to the defendant in the National Firearms Registration and Transfer Record.

(In violation of Title 26, United States Code, Sections 5841, 5845(a) and (d), 5861(d) and 5871.)

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 23, 2001, in Norfolk, in the Eastern District of Virginia, FREDERICK ASHVILLE HOLLOWAY, III, did unlawfully, knowingly and intentionally possess with the intent to distribute five grams or more of a substance and mixture containing cocaine base, commonly known as "crack" cocaine, a Schedule II narcotic controlled substance.

(In violation of 21 United States Code, Sections 841(a)(1) & (b)(1)(B)(iii).)

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 23, 2001, in Norfolk, in the Eastern District of Virginia, FREDERICK ASHVILLE HOLLOWAY, III, did unlawfully and knowingly possess a firearm in furtherance of a

drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a substance and mixture containing cocaine base, commonly known as "crack" cocaine, a Schedule II narcotic controlled substance.

(In violation of Title 18, United States Code, Section 924(c)(1)).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 23, 2001, in Norfolk, in the Eastern District of Virginia, FREDERICK ASHVILLE HOLLOWAY, III, having been previously convicted of a felony crime punishable by imprisonment for a term exceeding one year, did unlawfully and knowingly possess in and affecting commerce a firearm and ammunition which had been shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2)).

COUNT SEVEN

On or about May 23, 2001, in Norfolk, in the Eastern District of Virginia, FREDERICK ASHVILLE HOLLOWAY, III, did unlawfully, knowingly and intentionally possess a substance and mixture containing marihuana, a Schedule I controlled substance.



(In violation of 21 United States Code, Section 844(a).)

A TRUE BILL:

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Foreperson

PAUL J. McNULTY  
UNITED STATES ATTORNEY

By: \_\_\_\_\_  
James Ashford Metcalfe  
Assistant United States Attorney  
VA Bar No. 14919  
8000 World Trade Center  
Norfolk, VA 23510  
(757)-441-6331